

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

FRIDAY, THE 10TH NOVEMBER 2006 / 19TH KARTHIKA 1928

WP(C).No. 21425 of 2006(A)

PETITIONER:

K.C.KUSUMAM, W/O.KUNJANKUTTY,
KELANGANEZHATH HOUSE, PANAMPUKAD,
VALLARPADAM.P.O., MULAVUKAD VILLAGE.

BY ADV. SRI.T.H.ABDUL AZEEZ

RESPONDENTS:

1. THE PARUR CO-OP. BANK LTD.,
NO.1759, N.PARUR, REP. BY ITS SECRETARY.
2. THE SPECIAL SALE OFFICER,
880 PARUR BANK GROUP OF PARUR CO-OP. BANK LTD.
NO.1759,
N.PARUR.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR FOR R1
SRI.V.G.ARUN
G.P.SRI.P.N.SANTHOSH FOR R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C) NO. 21425/06

APPENDIX

PETITIONER'S EXHIBITS:-

P1: True copy of notice dated 7-8-2006 of the Bank - Sale Officer.

P2: True copy of notice in Form No.6 of the Sale Officer.

K. Thankappan, J.

W.P.(C). No. 21425 of 2006

Dated this the 10th day of November, 2006

JUDGMENT

Petitioner had availed a loan of Rs.2,00,000/- from the respondent bank on condition that the amount shall be repaid by instalments. As the petitioner defaulted the instalments towards the loan, the respondent bank filed A.R.C. No.1327/2004 and an award was obtained in favour of the respondent bank. In execution of the award, Exts. P1 and P2 notices were issued against the petitioner. Hence, the petitioner has approached this Court for a writ of prohibition forbearing the respondent bank from attaching the movable properties of the petitioner and also for a direction to the respondents to receive the amount in instalments. The petitioner also seeks some time to pay the amount. When the writ petition came up for admission, this Court stayed all further proceedings pursuant to Exts.P1 and P2 notices on condition that the petitioner remits an amount of Rs.25,000/- within two months from today. It is submitted that the petitioner has complied with the interim order.

2. Heard both sides.

3. Learned counsel for the petitioner submits that the petitioner was not in a position to remit the amount due to her financial stringency.

However, she is willing to pay the entire amount provided that she may be given the benefit of one time settlement scheme with instalment facility.

4. Considering the facts and circumstances of the case and that the petitioner is willing to pay the amount, the writ petition is disposed of directing the respondent bank to consider the claim of the petitioner for the benefit of one time settlement scheme with instalment facility, for which the petitioner has to file an application before the respondent bank within 15 days from today and remit an amount of Rs.15,000/- within one month from today. If the petitioner files the application and remits the amount, as ordered by this Court, the respondent bank shall consider the application and take a decision on the matter as early as possible, at any rate within 30 days from the date of receipt of the application. Till a decision is taken on the matter by the respondent bank, all further steps pursuant to Exts.P1 and P2 notices shall be kept in abeyance. It is made clear that if the respondent bank grants the benefit of one time settlement to the petitioner, instalment facility for 10 months, commencing from 31-1-2007, will be granted to him. If the petitioner fails to remit the amount and file the application within the stipulated time, the respondent bank can proceed against the petitioner on the basis of Ext1.P1 and P2 notices.

**K.Thankappan,
Judge.**

mn.

K. Thankappan,J.

W.P.(C) No. /2006

Judgment
20-9-2006